

EXECUTIVE SUMMARY CRIMINAL SENTENCING ACT

SENATE FILE 543

BURGLARY

- Changes the penalty for burglary in the third degree and attempted burglary in the third degree.
 - Provides that a person who commits burglary in the third degree on an unoccupied motor vehicle or vessel commits an aggravated misdemeanor. Burglary in the third degree on any other type of unoccupied structure remains a Class D felony.
 - Provides that a person who commits attempted burglary in the third degree on an unoccupied motor vehicle or vessel commits a serious misdemeanor. Attempted burglary in the third degree on any other type of unoccupied structure remains an aggravated misdemeanor.

DETERMINATE SENTENCING

- Provides determinate sentencing for certain Class D felons with an additional indeterminate term for no more than two years on supervised release.
- Assigns these offenders to the criminal sanctions continuum in the Community-Based Corrections (CBC) District Departments.
- Requires the Department of Corrections (DOC), the Prosecuting Attorney Training Coordinator, and the Criminal and Juvenile Justice Planning Division of the Department of Human Rights to compile and provide information about determinate sentencing through the Iowa Bar Association to educate attorneys and judges.

SENTENCE RECONSIDERATION

- Provides for sentence reconsideration for certain convictions for up to one year. Under current law, the judge may reconsider the sentence within 90 days of the felon's sentence.

CORRECTIONAL IMPACT

- During FY 2002, it is estimated that 95 offenders will be convicted of an aggravated misdemeanor for burglary in the third degree. Under current law, these convictions would be Class D felonies. There will be 27 offenders convicted of a serious misdemeanor for attempted burglary in the third degree. Under current law, these convictions would be aggravated misdemeanors.
- During FY 2003, it is estimated that 190 offenders will be convicted of an aggravated misdemeanor for burglary in the third degree. Under current law, these convictions would be Class D felonies. There will be 53 offenders convicted of a serious misdemeanor for attempted burglary in the third degree. Under current law, these convictions would be aggravated misdemeanors.
- Admissions to the State prison system are estimated to decrease. There will be three fewer admissions to the prison system during FY 2002, 15 fewer admissions during FY 2003, and one less admission during FY 2006. The prison population will decrease by 13 inmates during FY 2002, 91 inmates during FY 2003, and 116 inmates during FY 2006.

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CORRECTIONAL IMPACT, CONTINUED

- Admissions to CBC facilities will decrease by six offenders during FY 2002 and 12 offenders during FY 2003 and each year thereafter. Admissions to probation and parole supervision will increase by 37 offenders during FY 2002 and 74 offenders annually thereafter.
- Annual admissions to county jails will change as follows:
 - 29 more admissions for aggravated misdemeanors with an average length of stay of 41 days.
 - 25 more admissions for serious misdemeanors with an average length of stay of 50 days.
 - 23 fewer admissions for Class D felons with an average length of stay of 187 days.

FISCAL IMPACT

- State criminal justice system costs are expected to decrease under SF 543 by \$306,000 during FY 2002 and \$989,000 during FY 2003, calculated as follows:
 - State prison costs are anticipated to decrease by \$76,000 in FY 2002 and \$531,000 in FY 2003. The State prison system is currently operating at 112.0% of total capacity. The savings noted above may be a cost-containment effort rather than an actual decrease in the operating budgets.
 - CBC costs are anticipated to increase by \$9,000 in FY 2002 and \$18,000 in FY 2003. These figures include projected savings for CBC facilities and projected increased costs for parole and probation supervision. CBC facilities are currently operating at 100.0% of capacity. The facilities have waiting lists of offenders scheduled to serve their time in the facilities. Rather than a savings in the facilities' operating budgets, the number of offenders on the waiting lists may decrease compared to current law.
 - Indigent defense costs are anticipated to decrease by \$7,000 in FY 2002 and \$13,000 in FY 2003.
 - Judicial Branch costs are estimated to decrease by \$232,000 in FY 2002 and \$463,000 in FY 2003. Judicial Branch costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges (i.e., Magistrates, District Associate Judges, and District Court Judges).
- Local government costs for operating county jails are expected to decrease by \$23,000 in FY 2002 and \$47,000 in FY 2003. While admissions to county jails increase, jails will experience a savings in the operating budgets since more offenders will serve less time compared to current law.

ENACTMENT DATE

- The Act was approved by the General Assembly on May 8, 2001, and signed by the Governor on May 30, 2001.